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BOX 409

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date appearing below.	
By <u>Lisa M. Capps</u>	ELI LILLY AND COMPANY Date <u>Nov. 5, 2007</u>

**PATENT APPLICATION**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants	:	Wolfgang Glaesner, et al.	)	Confirmation No: 6106
			)	
Application No.	:	10/558,627	)	
			)	Group Art No: 1654
Application Date	:	November 29, 2005	)	
			)	
For	:	GLP-1 Analog Fusion Proteins	)	Examiner: R. Niebauer
			)	
Docket No.	:	X-15984	)	

**RESPONSE TO NOTICE TO COMPLY**

Commissioner for Patents  
Mail Stop Missing Parts  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is in response to a "Notice To Comply" dated 4 October 2007 noting the paper or compact disc copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e).

Enclosed herewith are: 1) a copy of the Notice and 2) An amendment specifically directing its entry into the application and 3) Sequence Listing disc and paper copy form, and Sequence Listing Statement as required by 37 CFR 1.821 (e), 1.821 (f), 1.821 (g), 1.825 (b), or 1.825 (d).

Respectfully submitted,

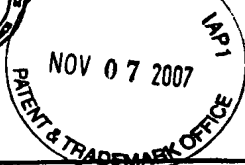
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Patent Division/GAC  
P.O. Box 6288  
Indianapolis, Indiana 46206-6288

Nov 5, 2007



# UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/558,627	11/29/2005	Wolfgang Glasner	X15984	6106

25885 7590 10/04/2007  
ELI LILLY & COMPANY  
PATENT DIVISION  
P.O. BOX 6288  
INDIANAPOLIS, IN 46206-6288

RECEIVED

OCT 04 2007

ELI LILLY AND COMPANY  
Patent Division

EXAMINER

NIEBAUER, RONALD T

ART UNIT PAPER NUMBER

1654

NOTIFICATION DATE DELIVERY MODE

10/04/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@lilly.com

Due 11-4-07



**UNITED STATES DEPARTMENT OF COMMERCE  
U.S. Patent and Trademark Office**

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P.O. Box 1450  
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APPLICATION NO. CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10558627	11/29/2005	GLAESNER ET AL.	X15984

ELI LILLY & COMPANY  
PATENT DIVISION  
P.O. BOX 6288  
INDIANAPOLIS, IN 46206-6288

**EXAMINER**

Ronald T. Niebauer

ART UNIT	PAPER
1654	20070926

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 (see attached notice to comply). The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e). The computer readable form received lists a title of 'Fusion proteins' which is not the title of this application (although it is the title of application 10558862). The computer readable form lists SEQ ID NO:1 as having a length of 230. The paper listing and claims and specification list SEQ ID NO:1 as having a length of 31. Appropriate correction is required (see also office action 5/10/07 page 5). Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132. **APPLICANT IS GIVEN 1 MONTH FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R. §§ 1.821-1.825.** Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response. The addresses below are effective 5 June 2004. Please direct all replies to the United States Patent and Trademark Office via one (1) of the following: 1.

Electronically submitted through EFS-Bio (<<http://www.uspto.gov/ebc/efs/downloads/documents.htm>>, EFS Submission User Manual - ePAVE) 2. Mailed to: Mail Stop Sequence Commissioner for Patents P.O. Box 22313 1450 Alexandria, VA 22313 14503. Hand Carry, Federal Express, United Parcel Service or other delivery service to: U.S. Patent and Trademark Office Mail Stop Sequence Customer Window Randolph Building 401 Dulaney Street Alexandria, VA 22314. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald T. Niebauer whose telephone number is 571-270-3059. The examiner can normally be reached on Monday-Thursday, 7:30am-5:00pm, alt Friday, EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cecilia Tsang can be reached on 571-272-0562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

*Re*

*9/26/04*  
**ANISH GUPTA**  
**PRIMARY EXAMINER**

**Notice to Comply**



Application No.  
10/558,627

Applicant(s)  
Glaesner et al.

Examiner  
Ronald T. Niebauer

Art Unit  
1654

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☐ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☒ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: The computer readable form received lists a title of 'Fusion proteins' which is not the title of this application (although it is the title of application 10558862). The computer readable form lists SEQ ID NO:1 as having a length of 230. The paper listing and claims and specification list SEQ ID NO:1 as having a length of 31. Appropriate correction is required. See also 5/10/07 office action page 5.

**Applicant Must Provide:**

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (571) 272-0731 or (571) 272-0951  
For CRF Submission Help, call (571) 272-2510  
PatentIn Software Program Support  
Technical Assistance. 1-866-217-9197 or 703-305-3028 or 571-272-6845  
PatentIn Software is Available At [www.USPTO.gov](http://www.USPTO.gov)

**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY**